

REMARKS

Claims 12-22 are now pending in the application. Claims 12, 16, and 19 are amended. No new matter is presented. The above amendments and the following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

The Title of the Invention is objected for lacking description. In view of this objection, the Title of the Invention is amended. The Examiner also objected to the specification for containing an informality. The specification is also amended to overcome this objection. Therefore, Applicants request the withdrawal of the objection to the Title of the Invention and the specification.

Claims 12-22 are objected to for containing informalities. Specifically, the Examiner indicates that claims 12 and 17 are objected for containing limitations that lack antecedent basis and are unclear. Claims 12 and 17 are amended to overcome the cited objections. Therefore, applicants request the withdrawal of the objection to claims 12-22.

Claims 12, 13, 16-19, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberger (U.S. Patent No. 4,168,881). The Examiner takes position that Rosenberger teaches or suggests all the features recited in claims 12, 13, 16-19, 21, and 22. Applicants respectfully disagree.

Rosenberger is directed to an anti-vibration microscope stand. Rosenberger discloses that the eyepiece and the objective lenses are separately mounted, the objective being mounted in a cantilever member which is rigidly attached to a rigid portion of a support pillar. The eyepiece is also cantilevered out from the support pillar. The effect of vibration is minimized by letting the objective furnish an infinite focus, the image being viewed by a telescopic eyepiece.

It is submitted that Rosenberger does not teach or suggest all the features recited in claim 12. In Rosenberger, the turret is held by the lens mounting arm 24 which is attached rearwards to the pillar 14. The pillar 14 holds the stage 18 and the pillar 14 forms the eyepiece arm 24. At a result, the pillar acts as the microscope stand. Although Rosenberger provides mechanically stabilizing the distances between the object and the objective, Rosenberger does not disclose the features of the claimed invention. In contrast to the claimed invention, Rosenberger provides that the upper stand part 42 is substantially mechanically decoupled from the rest of the stand. This is accomplished by the air gap between 24 and 42 (See Figure 3). Furthermore, Rosenberger discloses that the intermediate piece 14 must be constructed with thick walls. Specifically, Rosenberger states that “The pillar 14 must not be flimsy. Relatively thick material is employed for its walls in order to maximize rigidity.” (See Column 2, Lines 60-62). In other words, Rosenberger does not disclose a supporting cell being provided and being connected to the middle part of the stand, preferably rigidly but so as to be exchangeable. Thus, it is submitted that the pillar 14 does not correspond to the supporting cell 36 of the claimed invention. Thus, the supporting cell is not a component of the microscope body. See Paragraph [0019] of the specification. Since Rosenberger does not disclose the supporting cell of the claimed invention. It is submitted that Rosenberger fails to teach or suggest all the features recited in amended claim 12. In view of these distinctions, Applicants request that the rejection of claims 12, 13, 16 – 19, 21, and 22 be withdrawn.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberger in view of Kanao (U.S. Patent No. 6,594,075). The Examiner takes the position that the combination of Rosenberger and Kanao teach or suggest all the features recited in claims 14 and 15. Applicants respectfully traverse the rejection of claims 14 and 15.

Kanao is directed to a microscope that includes a column that stands upright on a base, an LED light source, a stage for placing a specimen irradiated with light from the LED

light source, a lens barrel which is arranged to face the specimen on the stage and has an observation optical system for acquiring the observation image of the specimen.

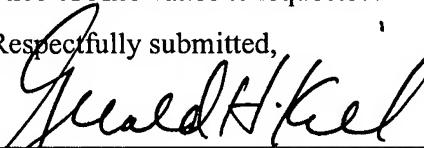
It is submitted that Kanao fails to cure the deficiencies of Rosenberger. It is further submitted that since claims 14 and 15 are dependent upon claim 12, claims 14 and 15 recite patentable subject matter for at least the reasons mentioned above. Specifically, the recited references fail to teach or suggest a supporting cell being a single structure. Therefore, Applicants request the withdrawal of the rejection of claims 14 and 15 under 35 U.S.C. 103(a).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberger (U.S. Patent No. 4,168,881) in view of Weiss (U.S. Publication No. 2003/0133190). The Examiner takes the position that the combination of Rosenberger and Weiss teach or suggest all the features recited in claim 20. Applicants respectfully disagree.

Claim 20 is dependent upon claim 12. Therefore, it is submitted that for at least the reasons mentioned above, claim 20 recites patentable subject matter. Thus, in view of the amendments to claim 12 and the reasons cited above, Applicants request the withdrawal of the rejection of claim 20 under 35 U.S.C. 103(a).

For the reasons presented above, claims 12-22, all the claims pending in the application, are believed by Applicants to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted,



Gerald H. Kiel
Reg. No. 25,116

REED SMITH LLP
599 Lexington Avenue
New York, NY 10022
(P) 212-521-5400

Attorney for Applicant